

EXHIBIT H
Deposition of Andrew Perrong

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CRAIG CUNNINGHAM, ROBERT)
HOSSFELD and ANDREW) Case No.:
PERRONG, on behalf of) 2:19-cv-00568-DBB-CMR
themselves and other)
similarly situated,)
)
Plaintiffs,)
) Videotaped
vs.) Deposition of:
)
VIVINT, INC., and DSI) ANDREW PERRONG
DISTRIBUTING, INC., dba)
DSI SYSTEMS,)
)
Defendants.) Judge David B. Barlow

June 9, 2021 - 9:33 a.m.

CONFIDENTIAL

Proceedings recorded via Zoom teleconference and transcribed simultaneously via stenographic means by reporter Marsha Beuchert, RPR

1 A P P E A R A N C E S
2

3 For the Plaintiff:

4 Anthony I. Paronich
5 PARONICH LAW, P.C.
6 350 Lincoln Street
7 Suite 2400
8 Hingham, MA 02043
9 Tel: 508-221-1510
10 Email: anthony@paronichlaw.com

11 For the Defendant Vivint, Inc.:

12 Nathan R. Marigoni
13 Melanie Vartaedian
14 BALLARD SPAHR, LLP
15 201 South Main Street
16 Suite 800
17 Salt Lake City, Utah 84111
18 Tel: 801.531.3000
19 Email: marigonin@ballardspahr.com

20 For the Defendant DSI Distributing:

21 Kathleen M. Liuzzi
22 CHRISTIANSEN LAW, PLLC
23 311 South State Street
24 Suite 250
25 Salt Lake City, Utah 84111
Email: kathe@skclawfirm.com

16 Also Present:

17 Bob Popovich
18 Craig Cunningham

19 I N D E X

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1 That's disclosed -- if the case proceeds to something
2 where a court -- you know, that's open and disclosed,
3 and the name that I used is written in the pleadings.

4 Q. Okay. What is the highest level of
5 education you've currently completed?

6 A. Currently I have a Ph.D. in philosophy.

7 Q. And what school did you obtain that degree
8 from?

9 A. The Catholic University of America.

10 Q. And when did you obtain that degree?

11 A. 2019.

12 Q. How long is the program for that degree?

13 (Audio interruption.)

14 MR. PARONICH: Was that me or Andrew?

15 THE WITNESS: It was a four-year program.

16 MR. PARONICH: Just hold up a bit, Andrew,
17 because you broke up there. Could you give it a
18 test?

19 THE WITNESS: Test. Can you hear me?

20 MR. PARONICH: Sorry. I didn't mean to cut
21 you off. Do you have the same issue I did?

22 MR. MARIGONI: Yeah. Same issue.

23 Q. BY MR. MARIGONI: Can you make sure you
24 repeat your answer from the beginning? I don't know
25 that we captured it.

1 A. It was a four-year program.

2 Q. Did you obtain any degree prior as a
3 prerequisite to that program?

4 A. I completed my bachelor's simultaneously.

5 Q. And was that from the same university?

6 A. Yes.

7 Q. Is that university located in Washington,
8 D.C.?

9 A. Yes. It's also from the Catholic
10 University of America.

11 Q. When did you graduate high school?

12 A. 2015.

13 Q. Are you currently attending law school?

14 A. Yes.

15 Q. What school?

16 A. Temple University Beasley School of Law.

17 Q. Where is that located?

18 A. Philadelphia, Pennsylvania.

19 Q. And what is your anticipated date of
20 graduation?

21 A. 2023.

22 Q. And how much of that program have you
23 completed?

24 A. Two years.

25 Q. How many years is that program?

1 A. Four.

2 Q. Is that a part-time or full-time program?

3 A. It's full-time, but evening division.

4 Q. Are you currently in any classes for that
5 program right now?

6 A. What do you mean by "currently"?

7 MR. PARONICH: Sorry, Andrew, if you could
8 give me a minute. Objection as to form. But you can
9 answer.

10 Q. BY MR. MARIGONI: Is an academic quarter or
11 semester currently in session for you?

12 A. No.

13 Q. What was your first year GPA?

14 A. 4.0.

15 Q. And your second year?

16 A. 4.0.

17 Q. And what classes are you registered for for
18 your next academic quarter or semester?

19 A. Registration is not opened for next
20 semester yet.

21 Q. What kind of lawyer do you intend to be
22 when you graduate?

23 A. I'm still trying to keep my options open,
24 but potentially consumer protection.

25 Q. Do you intend to be a litigator?

1 A. I think part of that is litigation. So if
2 you say "litigator," I think that's part of it.

3 Q. How are you paying for law school?

4 A. I am currently on a scholarship for all but
5 \$5,000 a year.

6 Q. Are you taking any student loans?

7 A. No.

8 Q. Who pays the balance that's not covered by
9 scholarship?

10 A. I do.

11 Q. And do you have an internship or legal job
12 this summer?

13 A. Yes.

14 Q. With who?

15 A. With the West Virginia Attorney General
16 Division of Consumer Protection.

17 Q. What are you doing there?

18 A. I believe my official title was I am a
19 Steiger Fellow. So the program is run for the
20 American Bar Association Steiger Fellowship Program
21 for students -- law students that are interested in
22 consumer protection work.

23 Q. Is that a paid internship?

24 A. I don't think it's paid, per se. There's a
25 stipend.

1 Q. How much is that stipend?

2 A. \$6,000.

3 Q. Is that 6,000 for the course this summer?

4 A. Yes.

5 Q. Do you have any other internship or legal
6 work you'll be doing this summer?

7 A. No.

8 Q. Aside from that internship, are you
9 currently employed?

10 A. I am self-employed.

11 Q. And what's the name of your company?

12 A. Andy Media.

13 Q. What does Andy Media do?

14 A. So Andy Media currently is a computer
15 services business that provides managed computer and
16 technical services to small and medium businesses.

17 Q. And are you the -- let me ask that another
18 way. Strike that question.

19 Do you consider yourself an employee of
20 Andy Media?

21 A. I'm a sole proprietor. I am its sole
22 employee.

23 Q. So there are no other employees at Andy
24 Media?

25 A. No.

1 Q. How many hours a week do you perform work
2 as or for Andy Media?

3 A. It will vary wildly.

4 Q. How about a monthly average?

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. What work would it differ for? What type
12 of work?

13 A. Emergencies, nights, weekends, simple
14 remote work.

15 Q. For emergencies, nights, and weekends,
16 would the rate be higher?

17 A. Yes.

18 Q. For simple remote work would the rate be
19 lower?

20 A. Yes.

21 Q. What would the remote work rate be?

22 [REDACTED]

23 [REDACTED]

24 Q. For the emergency nights and weekends rate?

25 A. Depending on the client and the time,

1 [REDACTED]

2 Q. And approximately how much was Andy Media's
3 revenue last month?

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. Have you done your 2020 taxes?

9 A. Yes.

10 Q. What was your revenue associated with Andy
11 Media for 2020?

12 [REDACTED]

13 [REDACTED]

14 Q. What was your gross revenue for Andy Media
15 for 2019?

16 [REDACTED]

17 [REDACTED]

18 Q. Have you ever worked -- other than your
19 current internship, have you ever worked for someone
20 else?

21 A. I think it's a little vague. When you mean
22 "work," I've been -- usually in Andy Media I am a
23 1099 contractor, so if that's work then I've worked,
24 in a sense, for my clients. But other than that I
25 haven't been a W-2 employee, no.

1 Q. Have you ever been convicted of a crime?

2 A. No.

3 Q. Have you ever been accused of a crime?

4 A. No.

5 Q. Have you ever been arrested?

6 A. No.

7 Q. Have you ever filed for bankruptcy?

8 A. No.

9 Q. All right. Slight change of gears. What
10 have you done to prepare for today's deposition?

11 A. I spoke with my attorneys, and I reviewed
12 some of the documents which have been filed in this
13 case. I also reviewed some of the production, which
14 has been produced in this case.

15 Q. Okay. Did you review the documents that
16 you produced in this case?

17 A. Yes.

18 Q. And I don't want to know what you talked to
19 your attorney about, but when did you talk to your
20 attorney about this deposition?

21 MR. PARONICH: Hold on. You said "when"?

22 MR. MARIGONI: Yes, when.

23 MR. PARONICH: Just clarifying.

24 Go ahead, Andy.

25 THE WITNESS: Throughout the course of last

1 week and last night.

2 Q. BY MR. MARIGONI: How long did you meet
3 with your attorney last night? Or talk to your
4 attorney?

5 A. Fifteen minutes.

6 Q. And in total over the past week, about how
7 long did you -- have you talked to your attorney
8 about the deposition?

9 A. An hour and a half to two hours.

10 Q. Okay. Did you speak with anyone else about
11 the deposition?

12 A. I spoke with Mr. Cunningham in the presence
13 of my attorney.

14 Q. Was that on one of the phone calls that you
15 just indicated you spoke with your attorney about the
16 deposition?

17 A. Yes.

18 Q. Did you speak with Mr. Hossfeld?

19 A. No.

20 Q. Did you speak with any family members?

21 A. No.

22 Q. Who knows that you're currently in a
23 deposition right now?

24 A. Anthony Paranich, Craig Cunningham, and my
25 parents know that I am in a deposition.

1 Q. Do you have any documents with you or in
2 front of you?

3 A. No.

4 Q. And is anyone in the room with you right
5 now?

6 A. No.

7 Q. Do you have a phone or any other electronic
8 devices with you, aside from the computer you're
9 using to attend the deposition?

10 A. No.

11 Q. Any documents open on the computer that
12 you're using?

13 A. No.

14 Q. All right. I'm going to -- we'll do
15 exhibits the same way we did them yesterday. Seemed
16 like it worked. Mr. Perrong, let me know if you have
17 any trouble opening documents.

18 MR. PARONICH: Did you want to sequentially
19 number from yesterday? Or we'll just mark Perrong 1?
20 I'm just trying to think of what we're doing in the
21 future with the other deponents.

22 MR. MARIGONI: I think Perrong 1 is
23 probably the better way to do it.

24 MR. PARONICH: Okay.

25 MR. MARIGONI: That way we are not trying

1 to coordinate between transcripts and stuff like
2 that.

3 MR. PARONICH: Sure.

4 MR. MARIGONI: I've put a document that
5 I'll ask the reporter to mark as Perrong -- did we
6 lose somebody?

7 MR. PARONICH: Mr. Cunningham might have
8 dropped off.

9 MR. MARIGONI: If we could have the exhibit
10 placed in the chat marked as Perrong No. 1.

11 (EXHIBIT 1 MARKED.)

12 MR. PARONICH: Andrew, are you able to
13 access and download that?

14 THE WITNESS: Yes.

15 Q. BY MR. MARIGONI: Mr. Perrong, have you
16 seen this document before?

17 A. Yes.

18 Q. And when did you first see it?

19 A. Sometime in late May of 2021.

20 Q. And do you understand what the document is?

21 A. Yes.

22 Q. What is it?

23 A. This is my Notice of Deposition.

24 Q. And have you received a Notice of
25 Deposition before?

1 mails.

2 Q. Did you listen to those voice mails at the
3 time?

4 A. Shortly after they were left I would have
5 listened to them, yes.

6 Q. Did you retain those voice mails?

7 A. Yes.

8 Q. And have you produced all of the voice
9 mails you retained?

10 A. Yes.

11 Q. With respect to the calls from Vivint
12 directly, you said that you believe some of them may
13 have violated the automated or pre-recorded call
14 provisions of the TCPA?

15 A. Yes.

16 Q. Is that correct? What's your basis for
17 contending that those calls were made with an
18 Automated Telephone Dialing System?

19 A. One of the calls was -- when I say "calls,"
20 I mean a text message. One of the text messages was
21 sent with generic sort language in it. It was not
22 personalized in any way. It transmitted a message.
23 It had a generic link in it that when you clicked it
24 it went to a generic photo, like an advertising
25 photo. So that I believe with respect to that text

1 message.

2 There were other text messages which were
3 also generic. However, as I specified earlier, they
4 were related to installation. I think one was about
5 an installer being in the area, or something to that
6 effect. I think another one was advertising the
7 availability of the Vivint app. Specifically with
8 respect to the installation, the installation of a
9 Vivint system.

10 And some of -- I don't believe any of the
11 actual calls which were placed by Vivint -- they
12 might have had indicia of automated systems, but they
13 were certainly -- I don't believe had indicia of a
14 VICIdial system.

15 Q. When you say indicia of VICIdial can you
16 explain to me what that means?

17 A. Certainly. VICIdial is a well-known open
18 source dialing system that is based on asterisks.
19 And it's my understanding that there is both Linux
20 distributions with VICIdial with it and you can also
21 just download and install it onto just a generic
22 Linux distribution. And VICIdial has a specific
23 sound. I describe it as almost a balloon pop. It
24 goes like (witness indicating). Maybe not as high
25 pitched like that. It's more of like a (witness

1 indicating). To me it sounds like a balloon popping.
2 To different people it sounds like different things.
3 Officially that sound is known as the droplet sound.
4 That sound is executed as part of a C macro when the
5 Asterisk MeetMe application is executed.

6 Q. What is the purpose of that droplet sound?

7 A. The purpose of the droplet sound, from what
8 I understand, is to allow both the called party, as
9 in the person that's being telemarketed to, and the
10 caller, or the telemarketer, to indicate that the
11 system has detected a human on the other end of the
12 line, and to indicate that a connection has been made
13 between the called party and the caller.

14 Q. Can VICIdial be configured to change that
15 sound?

16 A. No. VICI --

17 MR. PARONICH: Hold on. I'm just going to
18 object to the extent it calls for speculation with
19 respect to your knowledge of how the VICIdial system
20 works.

21 THE WITNESS: It's my understanding that
22 VICIdial -- because the droplet sound is executed as
23 part of the C macro, it would essentially involve
24 removing the ability to play that sound, would entail
25 a drastic rewrite of the VICIdial.

1 Q. BY MR. MARIGONI: Is the C macro that's
2 involved in this process, is it also open source?

3 MR. PARONICH: Same objection.

4 THE WITNESS: I believe that the entire
5 VICIdial product is open source. As to the specifics
6 of the license and what -- as I understand it, some
7 parts of VICIdial are copyrighted and cannot be
8 changed under the terms of its license. But it's
9 still free and open source software. I think that
10 the entire concept behind free and open source
11 software is a little muddled to where there are
12 commercial distributions that you can't really change
13 or edit because they're copyrighted, but they still
14 allow you to use them. So I'm not exactly sure how
15 VICIdial is structured or what the terms of its
16 license agreement are.

17 Q. That's fair. Setting aside the legal
18 ramifications of the licensing, you understand -- or
19 do you know whether the source code to that portion
20 of VICIdial is available to users?

21 A. It might be.

22 Q. Okay. For this next part I just want to
23 distinguish -- I know that it's your contention,
24 and we're not going to argue the point that a text
25 message is a call, but I want to focus just on text

1 messages for this next portion. Do you contend you
2 received any text messages from DSI?

3 A. I'm not sure. One might have been. Again,
4 I don't know what discovery has uncovered. I don't
5 believe that the text messages directly said that
6 they were from DSI. I think that the only things on
7 the text messages were directly from Vivint, and I
8 think the URL on the text message was a Vivint URL.

9 Q. So with respect to the text messages you
10 received from Vivint, what phone number are those
11 received on?

12 [REDACTED]

13 Q. Is that a cell phone?

14 A. No.

15 Q. How do you receive text messages on that
16 number?

17 A. So that telephone number is through a
18 company called Anveo, and Anveo provides a webhook
19 functionality that you can send text messages to the
20 number and it will then parse the text message and
21 send it out to a web server that I have then
22 configured to take what Anveo is sent and just email
23 me the contents.

24 Q. So what device did you receive these text
25 messages on?

1 A. I didn't receive them on a device. They
2 were sent to my telephone number. The message gets
3 sent to a webhook that then sends me an email.

4 Q. Okay. So each time a text message was sent

5 [REDACTED]
6 that you have configured into an email that you
7 received?

8 A. Yes.

9 Q. And it was not delivered to a phone?

10 A. It was delivered to the phone number.

11 Q. Did it -- was it displayed on any phone
12 when it was received?

13 A. No.

14 Q. Did it cause any phone to ring?

15 A. When the email -- when that message went
16 through my email, it probably dinged my email and
17 dinged my phone, if it was on silent at the time. I
18 don't recall whether or not it was or wasn't.

19 Q. Which phone would it have dinged?

20 A. My email was on my cell phone. So it would
21 have dinged my cell phone.

22 Q. What's the number for that phone?

23 [REDACTED]

24 Q. You had previously talked about calls, and
25 here I am talking about calls more broadly, including

1 text messages you received in the summer of 2019.
2 Did you receive calls or text messages directly from
3 Vivint after the summer of 2019?

4 A. I believe the last Vivint-related text
5 message, if we want to use that term, was made some
6 time in July or August of 2019.

7 Q. What was the content of that text message?

8 A. That was a message that was advertising
9 Vivint's products and services. I think it said
10 something about switching to Vivint, and it had a
11 link to Vivint, and it also had a link -- when you
12 clicked that link it was a photo. It was like an
13 advertising photo of various Vivint -- I guess,
14 things that Vivint offers.

15 Q. Did you incur any charges as a result of
16 calls you received directly from Vivint?

17 A. Both -- I've incurred charges both for the
18 calls and for the text messages.

19 Q. And is that -- with respect to the
20 telephone calls is that a per call or -- well, is it
21 a per-call charge?

22 A. There is a per-call charge, and there is
23 also a permanent charge.

24 Q. With respect to text messages, is that a
25 per-message charge?

1 A. It's charged on the basis of how many
2 160-character blocks you receive.

3 Q. Is that rounded up or down, do you know?

4 A. I believe it's rounded up.

5 Q. And did you respond to any text message
6 from Vivint asking that Vivint stop texting you?

7 A. So as I recall there were two blocks of
8 text messages. The first blocks were I think mostly
9 related to the installation or installation-related
10 text messages. Those text messages were sent after I
11 had communications with Vivint's outside compliance
12 counsel, Michelle Shuster of Mac Murray and Shuster,
13 with respect to the illegal calls that I'd received.

14 With respect to the July or August text
15 messages, the last one that I received that we just
16 discussed, that was sent to me after this lawsuit was
17 filed, and after I had received that text message I
18 believe I texted "stop" and I also texted to the
19 carrier. I believe it was -- I don't know if it's a
20 carrier or provider, to qualify that the text
21 messages were spam and should be reported.

22 Q. Did you produce the messages that you sent
23 with respect to those qualifier text messages?

24 A. Yes.

25 Q. Let me ask you now a little bit about the

1 class claims, or the classes that you seek to
2 represent.

3 Can you explain to me what the classes that
4 you're seeking to certify in this case are?

5 A. Certainly. There are three classes. The
6 first class is a national Do Not Call Registry class.
7 That class seeks to represent a group of persons who
8 received calls or text messages from Vivint or DSI,
9 or any of its third parties acting on its behalf, to
10 their numbers which are on the national Do Not Call
11 Registry.

12 The second is an internal do-not-call
13 procedures class. That class seeks to represent a
14 group of persons who -- to whom Vivint, DSI, or any
15 third party acting on its behalf, sent any text
16 messages without the existence of proper policies and
17 procedures as codified in 64 CFR -- I'm sorry, 47 CFR
18 Section 64.1200 specifically relating to do-not-call
19 policies, procedures, training and what have you.

20 The third class is a class of robocall
21 class of persons who have received calls or text
22 messages sent using an artificial or pre-recorded
23 voice or an automatic telephone dialing system to
24 their cell phone numbers or numbers for which the
25 called party is charged for the call.

1 Q. With respect to the national DNC class, and
2 you understand which class I am referring to when you
3 say the "national DNC class"?

4 A. Yes.

5 Q. Do you understand there is a -- well, let
6 me phrase this another way. Is there any content
7 requirement for calls to violate that provision and
8 thus bring them within the class?

9 A. Yes. I understand that they need to be
10 made for telemarketing purposes.

11 Q. Are there any other requirements or
12 limitations as to the types of numbers called?

13 A. That they need to be on the Do Not Call
14 Registry for, I believe, at least 30 days prior to
15 the receipt of the calls.

16 Q. Anything else?

17 A. I also believe that they need to have more
18 than one call on -- I'm not sure exactly how the
19 legal works, but I believe it's more than one call
20 within the past 12 months.

21 Q. Okay. Do those same requirements apply to
22 the internal procedures class members?

23 A. I believe they do, except for the
24 requirement that they be on the Do Not Call Registry.

25 Q. And I apologize if I've asked you this, but

1 do you contend any of the calls, and this is with
2 respect to what you deem the robocall class, do you
3 contend any of the calls in this case involved
4 pre-recorded messages?

5 A. I'm not sure as to the legal status of how
6 a text message that's been pre-programmed would
7 qualify as pre-recorded. So if a text message is
8 programmed in a sense and sent out to a bunch of
9 people, I think that might be pre-recorded, but I
10 haven't -- with respect to the summer 2019 calls, no
11 pre-records; with respect to the December, winter
12 2020 calls, just made by DSI for DIRECTV those calls
13 were made with pre-recorded messages.

14 Q. Okay. Do you contend any calls were made
15 with an artificial voice?

16 A. If memory serves, potentially one of the
17 installation messages that was left on my phone for
18 the installation was from an artificial voice.

19 Q. Do you know -- well, do you know what day
20 that call was received?

21 A. It might have been in the first or second
22 week of June of 2019.

23 MR. MARIGONI: Okay. I'm going to bring up
24 what we would like to have marked as Exhibit No. 2.

25 (EXHIBIT 2 MARKED.)

1 Q. BY MR. MARIGONI: I've pasted that in the
2 chat.

3 Mr. Perrong, if you would let me know if
4 and when you're able to receive that. And, Marsha,
5 if you could mark that as Exhibit 2 for us.

6 Anthony, I guess I should confirm you
7 received the exhibit as well?

8 MR. PARONICH: My bad. I can and have.

9 MR. MARIGONI: Perfect. Thank you.

10 Q. Have you been able to access that exhibit,
11 Mr. Perrong?

12 A. I'm sorry. Could you please repeat
13 yourself?

14 Q. Have you been able to access the Exhibit 2?

15 A. Yes.

16 Q. Have you seen this document before?

17 A. Yes.

18 Q. When was the first time you saw it?

19 A. Shortly before August of 2019.

20 Q. Who drafted this complaint?

21 A. Unless drafted -- I'm not sure that I can
22 answer the question without revealing confidential
23 conversations I've had with my attorney.

24 MR. PARONICH: Was the question "who
25 drafted"?

1 MR. MARIGONI: Yes.

2 MR. PARONICH: I don't have an objection to
3 the identification of an individual or individuals.

4 THE WITNESS: I drafted the complaint along
5 with my attorneys. I had input into the drafting,
6 but the core of the document was drafted by my
7 attorneys.

8 Q. BY MR. MARIGONI: Why did you decide to
9 retain counsel in this case?

10 A. I spoke with counsel, and based on the
11 discussions we had we felt that it was appropriate
12 that I retain them, and that I retain counsel in this
13 matter.

14 Q. Why did you decide to bring the case as a
15 class action?

16 A. I know I'm not the only one that received
17 the calls. Turns out that that assumption of mine
18 was correct. And I know that, you know, if I'm
19 getting calls, especially after I had previously had
20 a dispute with Vivint that I resolved, and I still
21 continue to get calls made by or on behalf of Vivint,
22 that other persons -- potentially other persons who
23 have previously gotten calls, potentially other
24 persons who are just sitting at home every day
25 minding their own business, are getting these

1 A. No.

2 Q. Did you receive a response to that message?

3 A. Yes.

4 Q. And where were these messages delivered?

5 A. They would have been delivered to the
6 797979 short code.

7 Q. And the messages that came to you, where
8 were they delivered?

9 A. They were sent to my telephone number

10 [REDACTED]

11 Q. And then did you receive those in your
12 email?

13 A. Yes.

14 Q. Look at paragraph 68. You allege that the
15 797979 short code is for CallFire. How do you know
16 this?

17 A. I believe that that was -- you can query
18 the CTIA or CITA database, and find out what company
19 or group of companies, resellers, are assigned a
20 particular short code.

21 Q. Did you ever receive a text message through
22 or from CallFire before?

23 A. Not to my knowledge.

24 Q. Other than responding to the text message,
25 did you try to contact CallFire about these calls?

1 A. No.

2 Q. Do you contend that CallFire has any
3 liability for the delivery of these text messages to
4 your phone number?

5 MR. PARONICH: Objection, you can answer.

6 THE WITNESS: Depending on whether or not
7 they are -- I don't know their corporate or
8 regulatory structure with respect to the FCC. It's
9 my understanding that carriers can be liable for
10 calls that they helped make or made to violate the
11 TCPA.

12 Q. BY MR. MARIGONI: Have you sued CallFire
13 for these text messages?

14 A. No.

15 Q. Do you intend to amend the complaint to add
16 CallFire at this time?

17 A. If we do that's a discussion that I can
18 have with my attorneys, and we'll discuss it.

19 Q. Other than the calls that we just walked
20 through that are identified in the Second Amended
21 Complaint, are there any other calls which you're
22 seeking recovery for from Vivint in this lawsuit?

23 A. No.

24 Q. And do you have records or recordings of
25 any other calls you received from Vivint?

1 A. I might still have the recordings of the
2 calls that we settled on prior to the 2019 calls. So
3 the 2018 calls I might still have recordings of
4 those. Of course, the recordings of these calls that
5 we've produced, and I don't believe there is any
6 other recordings.

7 Q. Did you search for or confirm whether you
8 have the calls from the prior settlement with Vivint?

9 A. I likely did. I'm not sure whether or not
10 they were produced. I'm pretty sure they weren't.
11 So -- yeah.

12 Q. Okay. What software or devices do you use
13 to record calls?

14 A. It depends on where the call is originated.

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED] [REDACTED]

25 Q. Is that recording automated, or do you have

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1 this business?

2 A. So structure-wise, the Pennsylvania
3 Telephone Company was a DBA of John's LLC, which is
4 Jawk Enterprises, LLC. J-a-w-k, Enterprises, LLC. I
5 was a 1099 subcontractor for Jawk.

6 Q. Was that -- I mean, maybe the distinction
7 doesn't matter. Was your 1099 made out to you
8 personally or to Andy Media?

9 A. I believe it was made out to me personally.
10 Because Andy Media, it's just a sole proprietor, so
11 it's not even an LLC or anything like that. For all
12 intents and purposes it's the same entity. So it
13 probably was made out to me.

14 Q. You stated that The Pennsylvania Tel Co was
15 a DBA of John's LLC. Did you have any ownership
16 interest in that entity?

17 A. No.

18 Q. What was your role in that company?

19 A. I was a 1099 subcontractor. I handled most
20 of the technical aspects of setting up the systems
21 and things like that. John was more the business
22 aspect. I mean, he handled the technical aspects as
23 well, but I was more the technical side, he was more
24 the business side.

25 Q. Did you host the PBX for that business?

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1 family, they're going to be in the phone book so they
2 are not going to be recorded. But, for example, it
3 can be useful to have, say, somebody that calls me up
4 about an appointment, doctor's appointment or
5 something like that. I'll tell them that the call is
6 recorded, of course, but it would be useful because
7 that way I don't have to take notes. I don't have to
8 write anything down. If they tell me something, I
9 can just refer back to the recording if I forget a
10 telephone number or if I forget, you know, an account
11 number or something that they give me.

12 Q. So really your purpose is to just capture
13 the content of the call so you can refer to it later?

14 A. Yes.

15 Q. You mentioned -- and you said of course you
16 tell them you're recording. Do you tell everyone who
17 calls that you're recording them?

18 A. Try to, as quickly as I can get it out
19 during the call.

20 Q. I am guessing, I probably know the answer
21 to this next question, then. Are you aware that
22 Pennsylvania's Wiretap Act requires all party consent
23 to the recording of the call?

24 A. Yes.

25 Q. Did you tell any of the callers who called

1 you -- I am going to say the word "call" a lot. Let
2 me try to -- for any of the calls that are the
3 subject of your complaint, any of the calls we
4 discussed today, did you tell those callers you were
5 recording them?

6 A. I believe I did.

7 Q. If you did not, do you believe you were
8 required to?

9 MR. PARONICH: I'm sorry, Andrew, I thought
10 I was on mute. I'm going to object on form, but you
11 can answer that.

12 THE WITNESS: I know there are certain
13 exceptions to the Pennsylvania Wiretap law with
14 respect to equipment that connects to the telephone
15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. Do you think any other exceptions on the
25 Wiretap Act apply?

1 A. I'm not a lawyer, and I don't really know
2 all the exceptions or what would be applicable or
3 what would not.

4 Q. And at the time you received -- going back
5 to our colloquial term, the summer of 2019 calls,
6 calls between April 4th and September 5th, 2019,
7 [REDACTED]

8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
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21 [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED]

1 my inbox, even if I said, I don't know anything about
2 this, or This doesn't interest me, delete it. That's
3 not something I wanted to do, so I left the LISTSERV.

4 Q. What email address were you subscribed
5 with?

6 [REDACTED]

7 [REDACTED]

8 Q. Let's talk about your experience as a class
9 representative.

10 MR. PARONICH: Is this a good place --
11 because we have been going about 90. Is this a good
12 place or do you want to get through this line here?

13 MR. MARIGONI: Sure. Let's go ahead and
14 take a break.

15 MR. PARONICH: Let's call it 3-, slash,
16 1:45.

17 MR. MARIGONI: Yes, that will work.

18 THE VIDEOGRAPHER: Going off the record.
19 The time is approximately 1:33 p.m.

20 (Recess.)

21 THE VIDEOGRAPHER: Returning on the record.
22 1:47 is the time.

23 Counsel.

24 Q. BY MR. MARIGONI: Thank you. Mr. Perrong,
25 I am going to ask a little bit about your experience

1 as a class representative. I want to distinguish
2 between two things just to make sure we are on the
3 same page and talking about this.

4 The first is, you know, you being named as
5 a class rep, so I'll try to use that terminology.
6 That is that your name is put on a complaint and as
7 proposed representative of a punitive class. Then
8 we'll have some questions about whether you've been
9 appointed a class rep. There I intend to refer to a
10 circumstance where a court has approved a class
11 certification, whether contested or settled, and
12 appointed you as a class rep.

13 Does that distinction make sense between
14 being named and being appointed?

15 A. Yes.

16 Q. Thank you. So I'm sure I know the answer
17 to this question. Have you ever been named as a
18 class representative in a TCPA class prior to this
19 case?

20 A. Yes.

21 Q. Have you ever been appointed a class
22 representative in a TCPA class?

23 A. I have one case that resulted in a class
24 settlement in which I am currently seeking to be the
25 named representative in the settlement.

1 Q. And so what case is that?

2 A. Perrong versus Frontier Utilities
3 Northeast.

4 Q. And so just to break that down a little
5 bit, and to make sure I understand that, are you
6 saying you've reached a settlement of the class
7 claims in that case?

8 A. That is correct.

9 Q. So you and the defendant in that case are
10 jointly asking that a class be certified, correct?
11 For purposes of settlement?

12 A. It's my understanding that the defendant is
13 taking the position that there is no agreement, even
14 though we're taking the position that there is an
15 agreement.

16 Q. Okay.

17 A. They're contesting it, but we filed with
18 the court a motion to approve the class settlement.

19 Q. Okay. Fair enough. So a somewhat
20 unorthodox class settlement, it sounds like.

21 Other than that case, is there any case in
22 which you have -- or your lawyers have on your behalf
23 filed a motion to certify a class and to appoint you
24 as the class rep?

25 A. No.

1 Q. What about in a non-TCPA case?

2 A. No.

3 Q. These next questions should probably be
4 very straightforward, then.

5 Has a court ever held that you could not
6 serve as a class representative in a class action?

7 A. No.

8 Q. And has a court ever held that you could
9 serve as a class representative in a class action?

10 A. That determination is pending, I suppose,
11 in the current case, but other than that there's been
12 no determination.

13 Q. And no determination has yet been made in
14 that case, correct?

15 A. That's correct.

16 Q. Do you know if pursuing this class as a
17 class action changes the relief that's available to
18 you?

19 A. Yes.

20 Q. How so?

21 A. Essentially my relief would be whatever the
22 class gets. So as a member of the class I am
23 entitled to whatever relief the class obtains, in
24 addition to possibly an incentive award.

25 Q. Do you think that is less than what you

1 would receive if you pursued this case individually?

2 A. Yes.

3 Q. How much less do you think it is?

4 A. I'm not sure. It depends on how much the
5 incentive award is and how much -- if this case were
6 to proceed to a jury trial, individually I would get
7 substantially more some cases.

8 Q. Do you have an estimate of what you would
9 receive if you had just pursued this case
10 individually to a successful jury trial?

11 A. Depending on how many violative calls are
12 found to violate the TCPA, assuming 20 calls,
13 potentially \$60,000.

14 Q. But you believe you'll receive less than
15 that if resolved as a class action, correct?

16 A. Generally it's my understanding that
17 incentive awards are anywhere in the range of a few
18 thousand dollars to maybe 20- or 25,000 at most, I
19 think. I haven't looked at every single case in
20 which an incentive award has been made.

21 Q. You testified earlier that you do intend to
22 seek an incentive award?

23 A. I intend to speak with my attorneys and
24 determine whether or not an incentive award would be
25 appropriate.

1 Q. Will you receive any part of any attorney
2 fees that might be awarded?

3 A. No.

4 Q. Have you received any compensation with
5 respect to this case in your role as a plaintiff?

6 A. No.

7 Q. Do you understand that if you were to lose
8 this case, so if this case were to be decided against
9 you, you would be liable for the defendant's costs?

10 A. It's my understanding that legally speaking
11 I would be -- we are in the American system, so
12 generally the loser does not pay. So with respect to
13 costs as a prevailing party under the Federal Rules
14 of Civil Procedure, it's my understanding that any
15 court costs, as that term is defined, would be --
16 should the defendants prevail, would be payable to
17 the defendants.

18 Q. Payable by you and your co-plaintiffs,
19 correct?

20 A. I'm not sure exactly as to the specifics of
21 that with respect to my client fee agreement with my
22 attorneys.

23 Q. And certainly I suppose you could agree
24 with whatever you want with your attorneys, but a
25 cost award would be entered against you as the party;

1 is that correct?

2 A. That's correct.

3 Q. How much time do you anticipate dedicating
4 to this case as a class representative, let's say, on
5 a weekly basis?

6 A. A few hours a week depending on what
7 discovery is propounded and what turn the procedural
8 posture of the case makes. Potentially a class
9 certification motion, or a summary judgment motion
10 would obviously incur more time than just a week in
11 which nothing progresses in the case at all.

12 Q. How many hours a week are you expected to
13 be working for your summer internship?

14 A. I believe it's just a four -- it's a full
15 workweek, I believe, so it's the normal 40 hours or
16 whatever a typical workweek is at the AG's office.

17 Q. And are you continuing to work for -- do
18 you work with Andy Media during the summer?

19 A. To an extent, yes.

20 Q. Do you do work for Andy Media during the
21 school year?

22 A. Yes.

23 Q. About how many hours a week?

24 A. Again, like I said, it's been really slow
25 with the pandemic, and I have been trying to sort of

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. How many currently pending or open class
7 action matters are you a party to?

8 A. I'd say about five.

9 Q. And how many individual non-class action
10 matters?

11 A. I believe two.

12 Q. Do you anticipate your time commitment for
13 the other class actions will be similar to that for
14 this case?

15 A. Potentially, but I think those cases are
16 staggered and are in various phases. One was just
17 filed. One we're -- I don't want to discuss anything
18 with attorneys, but one was just filed, and one is
19 further along. So they're at various stages
20 and staggered, and depending on the procedural
21 posture, some cases might be more time, some might be
22 less time.

23 Q. Do you think any of those cases will
24 proceed to a trial in the next two years?

25 A. It's possible.

1 Q. So between law school, Andy Media, five
2 class actions, and your individual actions, do you
3 have -- is your ability to serve as a class rep going
4 to be impacted by your other time commitments?

5 A. No.

6 Q. Why is that?

7 A. Because I can structure my time very well.
8 I think that I have a track record of that having
9 pursued two degrees, including an advanced degree in
10 undergraduate, while running Andy Media more than
11 what I am now. And also simultaneously running some
12 TCPA litigation, including class action litigation.
13 It's been demonstrated that I have that ability.

14 Q. How many class actions were you running
15 concurrently while pursuing your Ph.D.?

16 A. Three or four.

17 Q. But none of those cases proceeded past
18 class certification?

19 A. I mean, some are still pending. One is
20 bifurcated in discovery.

21 Q. Will you be available to testify in this
22 case if this case proceeds to trial?

23 A. Yes.

24 Q. If this case is set for trial during
25 your -- I guess it's your third and fourth year of

1 Q. For your two prior depositions, were you
2 represented by Mr. Paronich in those cases?

3 A. Yes.

4 Q. Did he attend those depositions personally?
5 In person?

6 A. Yes.

7 Q. Who are your other attorneys in this
8 matter?

9 A. Mr. Murphy and Mr. Pearson.

10 Q. And how did you come to retain Mr. Murphy?

11 MR. PARONICH: I'll object, just -- hold
12 on. Sorry, Andrew. Just with an instruction not to
13 answer with respect to any communications we have
14 had. I guess I'll object to form as well as it seems
15 a little vague. You should still answer.

16 THE WITNESS: I spoke with Mr. Paronich,
17 and that was part of our discussions as to who else
18 would be on the case.

19 Q. BY MR. MARIGONI: Is it fair to say you did
20 not hire Mr. Murray independently of Mr. Paronich?

21 MR. PARONICH: I'm going to object again,
22 but you can answer. My objection on that is form.

23 THE WITNESS: It was a mutual decision that
24 we all agreed to.

25 Q. BY MR. MARIGONI: What is Mr. Murphy's --

1 there's probably nothing interesting you can tell me
2 that's not privileged, so I think I'll just move on.

3 When did you first meet with an attorney
4 regarding this lawsuit?

5 A. Sometime in June, or maybe late June or
6 early July of 2019.

7 Q. Did you meet with any other attorneys aside
8 from Mr. Murphy, Mr. Paronich, and Mr. Pearson?

9 A. I don't believe so.

10 Q. How did you first become interested in the
11 TCPA?

12 A. I don't think that I have ever really been
13 interested in the TCPA. Maybe I just don't
14 understand what you mean by "interest."

15 Q. When did you learn about the TCPA?

16 A. Probably sometime in 2003 or 2004.

17 Q. How old were you in 2004?

18 A. 8 years old probably.

19 Q. Precocious. At what point did you first
20 determine that some right of yours was being violated
21 by a telephone call?

22 A. I mean, probably sometime around the time
23 that I -- I mean, I knew about the TCPA. I knew
24 about TCPA lawsuits around 2003, 2004 just because I
25 had read about it. I hadn't really pursued anything

1 about it. I put it in the back of my mind.

2 With respect to actually knowing the
3 process and actually taking steps to seek my rights
4 under the TCPA, that would have been sometime in
5 2015.

6 Q. Is that -- well, when did you send your
7 first demand letter to a company regarding the TCPA?

8 A. Sometime in late 2015, early 2016.

9 Q. When did you file your first lawsuit under
10 the TCPA?

11 A. Same time frame, I think. Late 2015, early
12 2016.

13 Q. Was that filed pro se?

14 A. Yes.

15 Q. When is the first time you retained an
16 attorney to file a lawsuit on your behalf under the
17 TCPA?

18 A. 2018, I think.

19 Q. How many cases would you say you've filed
20 under the TCPA pro se?

21 A. I never counted specifically. Maybe 40 or
22 50.

23 Q. And what percentage, if you can estimate,
24 of complaints you've made to companies are resolved
25 before you file suit?

1 A. No clue. I have never counted or done that
2 calculation.

3 Q. Do you know how many total demands you sent
4 to companies regarding TCPA?

5 A. No.

6 Q. Do you have any sort of -- do you track in
7 a spreadsheet demands or cases that you filed?

8 A. No.

9 Q. Do you have any document that you track
10 those in?

11 A. No.

12 Q. Have you ever filed a TCPA case in small
13 claims court?

14 A. I filed TCPA cases in Magisterial District
15 Court.

16 Q. Is that a limited jurisdiction court with a
17 maximum dollar amount?

18 A. Yes. They're courts of limited
19 jurisdiction.

20 Q. Have you ever filed an arbitration
21 asserting claims under the TCPA?

22 A. No.

23 Q. Have you ever testified at a trial?

24 A. I've testified at hearings, never a trial.
25 Other than a -- let me correct myself. Other than at

1 a Magisterial District Court trial, to the extent
2 that that is considered a trial.

3 Q. How many times have you testified at
4 Magisterial District Court trial?

5 A. Once.

6 Q. And what types of hearings have you
7 testified at?

8 A. I've testified at default hearings, status
9 conferences, motions conferences. I believe one was
10 a motion to dismiss.

11 Q. And approximately how many hearings have
12 you appeared and given testimony at?

13 A. More than five, probably less than ten.

14 Q. How many total TCPA complaints have you
15 filed?

16 A. I have never counted.

17 Q. Do you think it's more than 100?

18 A. I think that's close to around what it is.

19 Q. So more than 200?

20 A. Probably not.

21 Q. But more than 50?

22 A. Probably.

23 Q. You said you currently have five active or
24 open class actions. And how many non-class action
25 TCPA classes?

1 A. I know for a fact that I have two open
2 non-TCPA -- I'm sorry. Two pro se open TCPA cases.
3 I know that.

4 With respect to class cases, I think it's
5 about five. I haven't counted. I need to sit down
6 and look at every one. Somewhere around five.

7 Q. So how do you track your active litigation,
8 and, as you put it earlier, manage your time with
9 respect to this litigation?

10 A. I don't. If I have a hearing or something
11 I'll put it in the calendar -- in my calendar.

12 Q. Do you have a Pacer account?

13 A. Yes.

14 Q. Do you monitor or -- let me ask that a
15 different way.

16 Do you look up your active cases to review
17 their status and their filings.

18 A. Not on Pacer.

19 Q. How do you do it?

20 A. The court will send me an email with a
21 link.

22 Q. So do you have an ECF account, then?

23 A. I think it's a combined ECF Pacer account,
24 but in the Eastern District, at least, for my cases,
25 the Eastern District Clerk's Office sends an email

1 every time something gets filed on the case.

2 Q. Are you on the ECF service list for your
3 cases?

4 A. I guess that might be through the ECF
5 service list. I am not sure. I have never really
6 looked into the technical operation of how the U.S.
7 court systems sends out emails.

8 Q. Do you receive emails when there are
9 filings made in this case?

10 A. No, I don't. Other than what my attorney
11 sent me.

12 Q. But does the court send you an email?

13 A. No.

14 Q. So how do you track the hearings deadlines,
15 et cetera, in this case?

16 A. I trust the attorneys that I've retained to
17 keep me apprised of any pertinent information and
18 commitments in accord with their ethical obligations.

19 Q. Have you ever been sued before as a
20 defendant in litigation?

21 A. I have had counterclaims asserted against
22 me, and I believe that I was named as a necessary
23 party in an insurance indemnification case.

24 Q. So let's break that down a little bit.

25 Have you ever been sued as a defendant,

1 just individually, not in the context of a
2 counterclaim or a suit you had filed?

3 A. No.

4 Q. But you have been named as a counterclaim
5 defendant when you have filed suit, correct?

6 A. Yes.

7 Q. How many times would you say?

8 A. Once, I believe. Maybe twice, but I think
9 only once.

10 Q. What case was that in?

11 A. That was Perrong versus Golden Rule
12 Insurance Company.

13 Q. What was the counterclaim asserted against
14 you?

15 A. There were two. One was fraud, the other
16 was abusive process.

17 Q. And have those claims been resolved?

18 A. Yes.

19 Q. How were they resolved?

20 A. They were resolved through an individual
21 resolution while a motion to dismiss was pending.

22 Q. So is that to say the broader case was
23 settled?

24 A. The broader case was settled during the
25 pendency of our motion to dismiss their

1 counterclaims.

2 Q. You said you believe that's the only one?

3 A. That's the only one. I believe in one it
4 was threatened, but not actually filed. That's the
5 one that I am thinking of.

6 Q. Was that case also settled?

7 A. Yes, that case was settled.

8 Q. Do you know if it was -- I guess it doesn't
9 matter. It was certainly settled before any
10 counterclaim was filed, correct?

11 A. Yes.

12 Q. Tell me about this insurance
13 indemnification case. What was that case about?

14 A. This was in connection with the TCPA matter
15 that I believe one of the telemarketers was seeking
16 indemnification from an insurance company. As the
17 named plaintiff in that lawsuit, the insurance
18 company named me as a necessary and indispensable
19 party in their litigation I guess with the energy --
20 or with telemarketer.

21 Q. Just to make sure I understand. So you had
22 sued the telemarketer; is that right?

23 A. That's correct.

24 Q. And how was that case resolved?

25 A. That case is still pending.

1 Q. That case is still pending. Okay. Then
2 the telemarketer in a separate action filed against
3 their insurance company for coverage?

4 A. I believe either they filed for coverage --
5 or I think maybe the insurance company filed a
6 declaratory judgment action seeking a declaration
7 from the court that the coverage was excluded.

8 Q. One of the two parties sought a coverage
9 determination?

10 A. Yes.

11 Q. And then they brought you in essentially, I
12 suppose, to establish the nature of the claims or
13 liability or something like that?

14 A. I assume so.

15 Q. I'm not sure why they brought you in
16 matters that much as much as that you were named.

17 Were they successful in having you brought
18 in as a necessary party?

19 A. I believe that we agreed informally with
20 the insurance company to provide any information that
21 they had requested, and they subsequently dismissed
22 me without prejudice. I believe it was without
23 prejudice.

24 Q. So you are not currently a party to that?

25 A. That's correct.

1 Q. Have you ever visited any of Vivint's
2 social media pages or sites?

3 A. Not to my knowledge.

4 Q. And do you know anyone who works for
5 Vivint?

6 A. Other than the persons with whom I
7 interacted during the calls, and, of course, the
8 person -- he might have been a contractor for Vivint.
9 I'm not sure exactly what the one in 2018 was, but
10 other than those people, just knowing them from my
11 interaction with them, I don't personally know any.

12 Q. Let's go through and talk about the phone
13 numbers at issue in this case. Why don't you tell
14 me, again, what phone numbers you are asserting
15 claims for based on in this case.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 that time?

2 A. No.

3 Q. Whose name was it in at that time?

4 A. I don't know. I assume it was under my
5 parents' name.

6 Q. Do you know if it was both of them or just
7 one of them?

8 A. I don't know.

9 Q. Who was the carrier at that time?

10 A. That would have been Verizon.

11 Q. Was that a residential or cell number?

12 A. Residential.

13 [REDACTED]

14 A. I believe it's under my mother's name and
15 my name.

16 Q. When was it put in your name and your
17 mother's name?

18 A. Sometime in January -- either late 2018 or
19 early 2019. So either December of 2018 into January
20 of 2019.

21 Q. What was the purpose of that change?

22 A. Well, we moved houses, so we moved the
23 number.

24 Q. Did you change carriers at that time?

25 A. Yes.

1 Q. And is that the first time you changed
2 carriers since 2001, 2002?

3 A. Yes.

4 Q. And who did you change carrier to?

5 A. Anveo.

6 Q. I know we talked a little about what Anveo
7 is, but maybe just more generally, what is Anveo?

8 A. Anveo is a telephone company.

9 Q. And what kind of services do they provide?

10 A. They provide primarily voice over IP
11 telephone service.

12 Q. And how did you hear of Anveo?

13 A. Might have been through -- might have
14 either been through a magazine or some online
15 website, technical website of some sort.

16 Q. And why did you choose to switch to Anveo?

17 A. I'm not really sure what you -- why I would
18 switch -- because I moved houses.

19 Q. Could you have kept the Verizon plan?

20 A. Well, if I am moving my house, and I want
21 phone service at the old house, but I don't want
22 Verizon to provide me other services, because this
23 was part of a bundle, I don't know why I would go
24 with Verizon over Anveo.

25 Q. So is there anything in particular about

1 what Anveo provides that you preferred to Verizon?

2 A. They provide an excellent voice over IP
3 service at an attractive price.

4 Q. What Anveo plan are you signed up for on
5 [REDACTED]

6 A. It's a -- there's a fee for the number per
7 month. There's then a fee per minute for permanent
8 charges and per text message charges, and then
9 there's also a charge for the provision of caller ID
10 name.

11 Q. Prior to switching to Anveo, have you ever
12 [REDACTED]

13 A. I believe I had.

14 Q. Have you ever had a TCPA action dismissed
15 [REDACTED]
16 or a phone on which you paid for the call?

17 A. No.

18 Q. Is the fact that Anveo charges per minute
19 part of why you chose that service?

20 A. It's cheaper than other competing services,
21 and that's Anveo's -- and, frankly, most voice over
22 IP provider's method of charging for calls is
23 permanent.

24 Q. Does Anveo offer different kind of broad
25 plans?

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1 A. I believe for their -- for some of their
2 offerings they do.

3 Q. Is that your complete answer?

4 A. Yes, I believe they offer various plans for
5 various offerings.

6 Q. I didn't want to cut you off. Sounded like
7 you might have more to say.

8 Is the plan that you're using Anveo Direct?

9 A. Yes.

10 Q. Why did you choose Anveo Direct over Anveo
11 for consumers or Anveo for business?

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. And are you aware that Anveo markets Anveo

1 Direct as a wholesale service?

2 A. I'm aware that that might be in their
3 marketing. It's not like they -- they don't enforce
4 anything like that. They don't require any sort of
5 documentation or even require that it be purchased by
6 a business.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. Understood. Thank you for the
21 clarification. Who pays the Anveo bill?

22 A. I, on occasion, or my mother.

23 Q. When you say "on occasion," how often would
24 you say that is?

25 A. I think I have paid it most of the time. I

1 think she might have paid it once or twice.

2 Q. Do you know when the last time she paid it
3 was?

4 A. No.

5 Q. You said there's a monthly charge for that
6 number?

7 A. Yes.

8 Q. How much is that?

9 A. I'm not sure.

10 Q. Are you charged for each incoming call?

11 A. Yes.

12 Q. How much is that charge?

13 A. It's in accordance with the rate deck that
14 they publish.

15 Q. So how often do they publish a new rate
16 deck?

17 A. I don't know. Maybe once a quarter. It
18 has every area code exchange combination and the
19 permanent charges for each one.

20 Q. So does that mean that that it's based off
21 of where the call is originated from?

22 A. You say "originated," but that would be
23 termination. I guess, are you referring to
24 termination or origination?

25 Q. Maybe layman's terms would be better. Is

1 it based off where the caller is calling from?

2 A. I want to say yes, but that doesn't sound
3 right to me.

4 Q. Maybe we can short-circuit this and just
5 answer this question: Is there any type of incoming
6 call for which there is not a charge associated with
7 it?

8 A. Maybe for toll-free numbers, but I think
9 even those are actually charged. Yeah, I think
10 they're charged as well. Last time I looked at the
11 rate deck, which was probably even before I signed up

12 [REDACTED]
13 I think last time I looked at the rate deck they were
14 all the same price, or more or less other than maybe
15 somewhere out in the world where it was a little more
16 expensive.

17 Q. Is that rate deck publicly available?

18 A. You might need to create an account for it.

19 Q. By that do you mean it's available maybe to
20 subscribers --

21 A. Yes. I think it's available for
22 subscribers, and it might even be on the website that
23 you can click on it before you subscribe.

24 Q. You said there's also per-minute charge?

25 A. Well, that is the per-minute charge that we

1 were just talking about.

2 Q. So in addition to the permanent charge, is
3 there any fixed charge that is just charged for every
4 incoming call?

5 A. Yes. If you select that you want to
6 receive caller ID information for the call, that
7 charge is I think 9/100ths of one cent, so .009.

8 Q. Okay. And then with text messages you
9 testified earlier there was a charge for every 160
10 characters?

11 A. Yes, I believe it's one cent.

12 Q. Is there a charge per text received beyond
13 that, or just based on that amount of characters?

14 A. Just based on the number of 160 character
15 blocks.

16 [REDACTED]
17 number was first acquired, how that number was
18 assigned?

19 A. It was assigned from Verizon, I guess, when
20 they bought the house. I don't even think we had
21 Internet at the time. My parents bought the house
22 and I guess got the phone connected.

23 Q. Do you know if that number was selected by
24 your parents, or just assigned by Verizon?

25 A. I have no clue.

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. Is that a cell phone?
21 A. Yes.
22 Q. Who is the carrier?
23 A. Verizon Wireless.
24 Q. Has it always been Verizon?
25 A. For a time. For maybe two or three years I

1 charge for the archiving.

2 Q. Then the line item for "incoming calls"?

3 A. Incoming calls. Permanent charges for
4 incoming calls.

5 Q. "CNAM lookup"?

6 A. Caller ID name. Those are charges for --
7 every time that somebody calls you it will look up
8 the caller ID.

9 Q. Is that something that you have to opt in?
10 Is that something you have to opt in to?

11 A. If you want caller ID, you have to check
12 the box.

13 Q. Is that done on a per-call basis or account
14 basis?

15 A. That is done -- so the caller ID, once I
16 select -- each telephone number has a box to select
17 whether or not you want caller ID on that telephone
18 number. Once you select that box, every call that
19 comes in is going to be charged for the lookup of
20 caller ID information, unless it is two calls from
21 the same caller ID within the same minute.

22 Q. Is that due to some caching or other
23 technical aspect of the system that it won't charge
24 for information it already has?

25 A. I assume it's cached somewhere in the Anveo

1 system that they don't charge for multiple caller ID
2 lookups within the same minute period, yes.

3 Q. Do you have that box checked, so you got a
4 caller ID lookup on every incoming call?

5 A. Yes.

6 Q. The "phone number subscription" line item?

7 A. That is the monthly charges for the phone
8 numbers that are on that account.

9 Q. Is that a fixed amount per month?

10 A. They changed the amount from time to time
11 for every certain period, but it's generally fixed.

12 Q. What method of payment do you use when you
13 pay the Anveo account?

14 A. PayPal.

15 Q. And what email address is associated with
16 that PayPal account?

17 [REDACTED]

18 Q. And when Stefania pays the account, what
19 method of payment does she use?

20 A. I believe she uses -- technically -- it's
21 probably not my PayPal account technically, even
22 though it has my email address. I believe that she
23 set it up when I was a minor, and so her name is on
24 that account somehow, and my name is also associated
25 with that account.

1 Q. Where does that account draw funds from?

2 A. From my credit card. In this case it was
3 probably from my credit card.

4 Q. Is it able to draw funds from a checking
5 account?

6 A. I think so.

7 Q. Whose checking account?

8 A. I believe mine is on there, and I think my
9 mother's is still on there.

10 Q. On your 2020 taxes -- which you said you
11 have done?

12 A. Yes.

13 Q. Did you write off any payments made to
14 Anveo as a business expense?

15 A. Yes.

16 Q. Did you deduct amounts paid to Anveo from
17 anything reported on a Schedule C?

18 A. No.

19 Q. Did your mother write off any amounts paid
20 to Anveo as a business expense?

21 A. No.

22 MR. PARONICH: Hold on. Objection. You
23 can answer if you know.

24 THE WITNESS: Not to my knowledge. I
25 haven't seen their tax returns.

1 Q. BY MR. MARIGONI: What other numbers are
2 currently associated with this Anveo account?

3 A. I believe currently the only number
4 [REDACTED]

5 [REDACTED]
6 A. That is associated with another Anveo
7 account.

8 Q. Okay. And whose account is that?

9 A. Mine.

10 Q. So a different account also in your name?

11 A. Yes.

12 Q. What device is that phone number associated
13 with?

14 A. It's not associated with a device, it's
15 associated with another Anveo account.

16 Q. What device does it ring on if you call it?

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 A. So it will ring the same physical device,
24 however, I have -- like, old-fashioned phones you had
25 blinking lines for line 1, line 2, line 3, it will

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1 when we look at your discovery responses in a minute.

4 A. There's a few that I've had in the past.

5 |

6 A. That's one of them.

7 Q. What did you use that number for?

8 A. That number was used for the Port Richmond
9 Business Alliance.

10 Q. What is Port Richmond Business Alliance?

11 A. Sort of like a local Chamber of
12 Commerce-type group.

13 Q. So when you say it was used for that, do
14 you mean that was the contact number for that group?

15 A. I'm not sure if they had other contact
16 numbers besides that. When I was part of the
17 organization, Port Richmond section of Philadelphia,

Figure showing three horizontal bars corresponding to lines 18, 19, and 20. The bars are black and extend across the width of the page. The labels '18', '19', and '20' are positioned to the left of their respective bars.

21 and use it for that.

22 Q. Why do you no longer have that number?

23 A. I left the Port Richmond Business Alliance.

24 Q. Do you know if the number was ported to an
25 account held by another member of that group?

1 MR. PARONICH: Object to form. You can
2 answer.

3 THE WITNESS: I believe at the time that I
4 had the number I just relinquished it along with the
5 Anveo account that it was in, and gave the
6 credentials to that account.

7 Q. BY MR. MARGIONI: Was that ever on the same
8 [REDACTED]

9 A. No.
10 [REDACTED]

11 A. That was a number for the Pennsylvania
12 Transit Expansion Coalition.

13 Q. Pennsylvania what Expansion Coalition?

14 A. Transit Expansion Coalition.

15 Q. What is that entity or group?

16 A. It was a group that advocated for rail and
17 public transit and mass transit services in the
18 Philadelphia area expansion of public transit.

19 Q. Were you a member of that group?

20 A. Yes.

21 Q. Did you provide a phone line and number for
22 the group?

23 A. Yes.

24 Q. Is that what this was?

25 A. Yes.

1 Q. And why do you no longer have this number?

2 A. I left PA Tech.

3 Q. And did you transfer the number or did you
4 relinquish it?

5 A. I believe that was in its own separate
6 Anveo account for PA-TEC that I just transferred over
7 ownership of the Anveo account.

8 Q. Do you know, was that an Anveo Direct
9 account?

10 A. Most likely it was, yes.

11 Q. Do you know who's providing a PBX for that
12 number at this time?

13 A. Might still be Pennsylvania Telephone
14 Company. I am not sure.

15 Q. All right.

16 A. The group I think is more or less dormant
17 at this point. They might have even given up the
18 number. No longer even use it.

19 [REDACTED]

20 A. I believe that was also for PA Tech.

21 Q. Same disposition of that number?

22 A. Yes.

23 [REDACTED]

24 A. That number was also for PA tech.

25 Q. Why did the PA Tech have a number with a

1 New Jersey area code?

2 A. So we also advocated for transit into New
3 Jersey and beyond, namely into South Jersey.

4 Q. Were these numbers for the public to
5 contact this group?

6 A. So there were a few things that we were
7 toying around with. I think obviously one of them
8 was for the public to contact the group. The other
9 thing that we wanted to do was put recordings on
10 those numbers. I don't think we ever did, but put
11 recordings on those numbers with information as to
12 what project we had in that area so that you could
13 press one to hear, you know, about such and such
14 project, and if you want become involved in it, leave
15 a message.

16 Q. Has that number been relinquished or turned
17 over to PA Tech?

18 A. Yes.

19 Q. Are there any other numbers that you're
20 aware of that were associated with your Anveo
21 account?

22 A. Depends on what Anveo account we're talking
23 about. There is, I think, one or two other numbers
24 that might have been with Anveo that were disclosed
25 in discovery.